



Rhode Island Department of Health

PUBLIC NOTICE

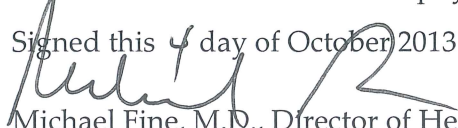
In January 2006, the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act ("Medical Marijuana Act") became effective and the Department of Health ("Department") began to accept applications from qualifying patients for enrollment in the Medical Marijuana Program. Following the enactment of the Medical Marijuana Act, Department of Health staff began accepting "written certifications" submitted pursuant to R.I. Gen. Laws § 21-28.6-6(a) signed by licensed physicians only. Later, in or about 2008, even though neither the Medical Marijuana Act nor the Department's Rules and Regulations changed in relevant part, Department of Health staff erroneously began to also accept "written certifications" signed by licensed nurse practitioners and/or physician assistants. The acceptance by staff of "written certifications" signed by licensed nurse practitioners and/or physician assistants was inconsistent with the Medical Marijuana Act and the Department's Rules and Regulations.

In the Summer of 2012, the Department of Health announced that any application for registration in the Medical Marijuana Program received by the Department of Health after August 7, 2012 must contain a "written certification" from a licensed physician (M.D. or D.O), and not by a licensed nurse practitioner or a physician assistant. While notice of this announcement was not made pursuant to the Administrative Procedures Act, nor was notice of this announcement required to be made pursuant to the Administrative Procedures Act, in order to provide maximum transparency and the opportunity for public comment, the Department of Health is providing this opportunity for notice and comment regarding its Summer 2012 announcement as well as its ongoing effect.

For the sake of accuracy, the Department of Health requests that all comments regarding this public notice be submitted in electronic format to Benjamin Copple, Chief Legal Counsel: Benjamin.Copple@health.ri.gov. Comments are due by the close of business on Monday, 4 November 2013.

The Department of Health's Rules and Regulations, as last amended and promulgated in December 2012, contain no new additions, deletions, or other changes. Instead, the Department of Health's announcement in the Summer of 2012 was necessary to comply with the Medical Marijuana Act and the Department of Health's Rules and Regulations, and accordingly, no alternative approach would be effective. No other state regulation is overlapped or duplicated by this notice, or the matters contained herein, and to the extent that the Summer 2012 announcement could be interpreted as a "rule" under the Administrative Procedures Act, it is intended to supersede the Department of Health staff's decision to accept "written certifications" signed by licensed nurse practitioners or physician assistants, to the extent the acceptance of such "written certifications" could be interpreted as a "rule" under the Administrative Procedures Act. The Department of Health's announcement in the Summer of 2012 that "written certifications" submitted pursuant to R.I. Gen. Laws § 21-28.6-6(a) must be signed by a licensed physician and not a licensed nurse practitioner or a physician assistant will not affect Medical Marijuana Program participants who currently possess a registry card based on authorization from a licensed nurse practitioner or licensed physician, but when those cards expire, renewals must be done under the authorization of a licensed physician (M.D. or D.O.).

Signed this 4 day of October 2013


Michael Fine, M.D., Director of Health